

By: Whitmire

S.B. No. 1116

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the punishment of certain prohibited conduct that  
3 occurs on a public school campus or on a vehicle owned by a county or  
4 school district.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 37.001(a), Education Code, is amended to  
7 read as follows:

8 (a) The board of trustees of an independent school district  
9 shall, with the advice of its district-level committee established  
10 under Subchapter F, Chapter 11, adopt a student code of conduct for  
11 the district. The student code of conduct must be posted and  
12 prominently displayed at each school campus or made available for  
13 review at the office of the campus principal. In addition to  
14 establishing standards for student conduct, the student code of  
15 conduct must:

16 (1) specify the circumstances, in accordance with this  
17 subchapter, under which a student may be removed from a classroom,  
18 campus, ~~[or]~~ disciplinary alternative education program, or  
19 vehicle owned or operated by the district;

20 (2) specify conditions that authorize or require a  
21 principal or other appropriate administrator to transfer a student  
22 to a disciplinary alternative education program;

23 (3) outline conditions under which a student may be  
24 suspended as provided by Section 37.005 or expelled as provided by

1 Section 37.007;

2 (4) specify that consideration will be given, as a  
3 factor in each decision concerning suspension, removal to a  
4 disciplinary alternative education program, expulsion, or  
5 placement in a juvenile justice alternative education program,  
6 regardless of whether the decision concerns a mandatory or  
7 discretionary action, to:

8 (A) self-defense;

9 (B) intent or lack of intent at the time the  
10 student engaged in the conduct;

11 (C) a student's disciplinary history; or

12 (D) a disability that substantially impairs the  
13 student's capacity to appreciate the wrongfulness of the student's  
14 conduct;

15 (5) provide guidelines for setting the length of a  
16 term of:

17 (A) a removal under Section 37.006; and

18 (B) an expulsion under Section 37.007;

19 (6) address the notification of a student's parent or  
20 guardian of a violation of the student code of conduct committed by  
21 the student that results in suspension, removal to a disciplinary  
22 alternative education program, or expulsion;

23 (7) prohibit bullying, harassment, and making hit  
24 lists and ensure that district employees enforce those  
25 prohibitions; and

26 (8) provide, as appropriate for students at each grade  
27 level, methods, including options, for:

- 1 (A) managing students in the classroom, ~~and~~ on  
2 school grounds, and on a vehicle owned or operated by the district;  
3 (B) disciplining students; and  
4 (C) preventing and intervening in student  
5 discipline problems, including bullying, harassment, and making  
6 hit lists.

7 SECTION 2. Section 37.126(a), Education Code, is amended to  
8 read as follows:

9 (a) Except as provided by Section 37.125, a person other  
10 than a primary or secondary grade student commits an offense if the  
11 person intentionally disrupts, prevents, or interferes with the  
12 lawful transportation of children to or from school or an activity  
13 sponsored by a school on a vehicle owned or operated by a county or  
14 independent school district.

15 SECTION 3. Section 51.08(b), Family Code, is amended to  
16 read as follows:

17 (b) A court in which there is pending a complaint against a  
18 child alleging a violation of a misdemeanor offense punishable by  
19 fine only other than a traffic offense or a violation of a penal  
20 ordinance of a political subdivision other than a traffic offense:

21 (1) except as provided by Subsection (d), shall waive  
22 its original jurisdiction and refer the child to juvenile court if  
23 the child:

24 (A) has previously been convicted of:

25 (i) ~~(A)~~ two or more misdemeanors  
26 punishable by fine only other than a traffic offense;

27 (ii) ~~(B)~~ two or more violations of a

1 penal ordinance of a political subdivision other than a traffic  
2 offense; or

3 (iii) [(C)] one or more of each of the types  
4 of misdemeanors described in Subparagraph (i) or (ii) [Paragraph  
5 ~~(A) or (B)]~~; or

6 (B) is alleged to have engaged in conduct that  
7 violates Section 42.01, Penal Code, while on a public school campus  
8 and during regular school hours; and

9 (2) may waive its original jurisdiction and refer the  
10 child to juvenile court if the child:

11 (A) has not previously been convicted of a  
12 misdemeanor punishable by fine only other than a traffic offense or  
13 a violation of a penal ordinance of a political subdivision other  
14 than a traffic offense; or

15 (B) has previously been convicted of fewer than  
16 two misdemeanors punishable by fine only other than a traffic  
17 offense or two violations of a penal ordinance of a political  
18 subdivision other than a traffic offense.

19 SECTION 4. Section 37.124, Education Code, is repealed.

20 SECTION 5. The change in law made by this Act in amending  
21 Section 51.08(b), Family Code, applies only to conduct that  
22 violates Section 42.01, Penal Code, and that occurs on or after the  
23 effective date of this Act. Conduct that violates Section 42.01,  
24 Penal Code, and that occurs before the effective date of this Act is  
25 governed by the law in effect at the time the conduct occurred, and  
26 the former law is continued in effect for that purpose. For the  
27 purposes of this section, conduct violating Section 42.01, Penal

1 Code, occurs before the effective date of this Act if any element of  
2 the violation occurred before that date.

3 SECTION 6. The change in law made by this Act in amending  
4 Section 37.126, Education Code, applies only to an offense  
5 committed on or after the effective date of this Act. An offense  
6 committed before the effective date of this Act is governed by the  
7 law in effect on the date the offense was committed, and the former  
8 law is continued in effect for that purpose. For purposes of this  
9 section, an offense was committed before the effective date of this  
10 Act if any element of the offense occurred before that date.

11 SECTION 7. This Act takes effect September 1, 2011.